

## AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-24251 - APPLICANT: CHECK CITY - OWNER:  
BUFFALO WASHINGTON III, LLC

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### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (4-0-1/sd vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for the Financial Institution, Specified and Auto Title Loan uses, including parking requirements, except where waived herein.
2. Conformance to the conditions for Variance (VAR-5531) and Site Development Plan Review (SDR-5393).
3. A Waiver of Title 19.04.010 to allow a distance separation of zero feet from an existing Pawn, Auto use where 1,000 feet is the minimum separation required is hereby approved.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a Financial Institution, Specified and Auto Title Loan use and a Waiver to allow a distance separation of zero feet from an existing Pawn, Auto use where 1,000 feet is the minimum separation required at 7591 West Washington Avenue, Suites 140 and 150.

The location of the use abuts an existing pawn shop with an Auto Pawn license. A check cashing business had also been in the area but recently moved. Due to the proximity of the existing services, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
12/07/94	The City Council approved a Rezoning (Z-0131-94) from N-U (Non-Urban) to C-1 (Limited Commercial) on this site as part of a larger request. The Planning Commission and staff recommended approval.
05/26/98	The City Council approved a Site Development Plan Review [Z-0131-94(3)] for a proposed 131,144 square foot, 21-building single-story office complex on 11.57 acres to the east of the subject parcel. The Planning Commission and staff recommended approval.
07/13/98	The City Council approved an Extension of Time [Z-0131-94(4)] of the approved Site Development Plan Review [Z-0131-94(3)] for a proposed 131,144 square foot, 21-building single-story office complex on 11.57 acres to the east of the subject parcel, with no time limit. The Planning Commission and staff recommended approval.
02/22/99	The City Council approved a request for a Special Use Permit (U-0171-98) for a Pawn Shop and Secondhand Dealer, and a Site Development Plan Review [Z-0131-94(5)] for a proposed 135,172 square foot commercial retail center on 11.74 acres to the east of the subject parcel. The Planning Commission and staff recommended approval.
11/21/04	The Planning Commission approved a Site Development Plan Review (SDR-1046) for a proposed 11,987 square foot pharmacy with a waiver of perimeter landscaping requirements on 2.5 acres adjacent to the southeast corner of Buffalo Drive and Washington Avenue. Staff recommended approval.

12/15/04	The City Council approved a Site Development Plan review (SDR-5393) for a proposed 16,009 square foot commercial retail center and waivers of building setbacks, building orientation, and perimeter and foundation landscaping standards on the subject site. The Planning Commission and staff recommended approval.
01/19/05	The City Council granted the appeal from a denial by the Planning Commission of a request for a Variance (VAR-5531) to allow 93 parking spaces where 180 parking spaces were the minimum required in conjunction with the approved 16,009 square foot commercial retail center on the subject site. Staff had recommended denial.
12/06/06	The City Council accepted this applicant's request to withdraw without prejudice a request for a Special Use Permit (SUP-15347) for a proposed Financial Institution, Specified and a waiver of the 1,000-foot distance separation requirement from other Financial Institutions, Specified at 7591 West Washington Avenue, Suites #140 and #150. The Planning Commission recommended approval. Staff recommended denial.
10/11/07	The Planning Commission voted 4-1/sd to recommend APPROVAL (PC Agenda Item #54/ss).
<b><i>Related Building Permits/Business Licenses</i></b>	
<b>Building Permits</b>	
09/23/05	A building permit (#05006739) was issued for a retail building shell at 7591 West Washington Avenue. A final inspection was completed on 06/15/06.
02/15/06	Building permits (#06001226 through 06001229) were issued on speculative suites for Certificate of Completion only at 7591 West Washington Avenue, Suites 120 through 150. Final inspections were completed 06/15/06.
10/30/06	A building permit (#06002750) was issued for a tenant improvement for a Certificate of Occupancy for a restaurant at 7591 West Washington Avenue, Suite 110. A final inspection was completed on 06/23/06.
<b>Business Licenses</b>	
07/05/06	A business license (R09-01355) was issued for a restaurant at 7591 West Washington Avenue, Suite 110. No other licenses have been issued within this building.
<b><i>Pre-Application Meeting</i></b>	
08/14/07	Special Use Permit submittal requirements were discussed. Check cashing and auto title loan services are proposed to go into two unoccupied suites in an existing in-line commercial center. The application needs a waiver of 1,000-foot distance separation from an existing Auto Pawn use. A previous request (SUP-15347) was withdrawn, but now the applicant is coming back, as one of the Financial Institution, Specified uses has gone out of business. The site has an approved parking variance (VAR-5531).
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application, nor was one held.	

<b>Field Check</b>	
09/10/07	The site receives access from both Buffalo Drive and Washington Avenue. Suites 120-150 of the building proposed to contain the use are vacant; Suite 110 is a deli and bakery. A bike trail is located on the south side of the property. A pawn shop is located one building east, across a private drive.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.55

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Retail/Commercial	SC (Service Commercial)	U (Undeveloped) under Resolution of Intent to C-1 (Limited Commercial)
North	Service Station without Automotive Repair	SC (Service Commercial)	C-1 (Limited Commercial)
South	Summerlin Parkway	ROW (Right-of-Way)	U (Undeveloped)
East	Pawn Shop, Retail/Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
West	Public Park	PR-OS (Park/Recreation/Open Space)	C-V (Civic)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following development standards apply to the subject site:*

<b>Standard (C-1)</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	N/A	67,518 SF	N/A
Min. Lot Width	100 feet	235 feet	Y
Min. Setbacks			
• Front	20 feet	16 feet	Y*
• Side	10 feet	10 feet	Y
• Corner	15 feet	17 feet	Y
• Rear	20 feet	20 feet	Y
Max. Lot Coverage	50%	24%	Y
Max. Building Height	N/A	31 feet	Y

\*Setback requirements for the C-1 zoning district were waived as part of the Site Development Plan Review (SDR-5393) for this site, due to the irregular shape of the parcel.

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Financial Institution, Specified	2,292 SF	1 space per 250 SF	10				
General Retail Store	7,099 SF	1 space per 175 SF	41				
Restaurant	3,962 SF	1 space per 50 SF seating/ waiting + 1 space per 200 SF remaining FA	56 (based on 60% seating/ waiting area)				

General Personal Service	2,655 SF	2 spaces per chair	20 (based on 10 chairs)				
<b>SubTotal</b>	16,008 SF		122	5	89	4	N
<b>TOTAL</b>	<b>16,008 SF</b>		<b>127</b>		<b>93</b>		<b>Y*</b>
Percent Deviation					27%		
<b>Number of Spaces Allowed by Variance</b>			<b>93</b>				

\*A Variance (VAR-5531) was approved to allow 93 parking spaces where 180 was the minimum required at the time of approval. This was based on one of the buildings (the one not containing the proposed Financial Institution, Specified use) consisting solely of restaurant uses. Since Condition #2 of VAR-5531 only allows a maximum of two units in the center to be used as restaurants, the remaining units have filled with tenants having less intense parking requirements. Each building contains one restaurant tenant. Therefore, the site is still in compliance with VAR-5531.

The project meets Condition #1 of VAR-5531, which allows a maximum of 4,000 square feet of restaurant uses on the site.

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow no separation between the proposed Financial Institution, Specified and Auto Title Loan uses and an existing Auto Pawn use	1,000-foot separation between uses, measured from property line to property line	Denial

## ANALYSIS

- Zoning

The subject site is under a Resolution of Intent to the C-1 (Limited Commercial) Zoning District. It is not part of the commercial subdivision that abuts the site on the eastern property line. The Financial Institution and Auto Title Loan uses are permitted uses in a C-1 district with approval of a Special Use Permit, subject to minimum use requirements listed below.

- Use

A Financial Institution, Specified is defined by Title 19 as “any business whose primary function is to lend money; cash checks or other negotiable instruments for a fee, service charge or other consideration; or provide funds in exchange for the acceptance of a check on a post-dated or deferred-deposit basis.” It differs from a General Financial Institution (e.g., bank) in that the primary function of that use is the exchange of currency, whereas with the Specified Financial Institution the primary function is to lend money. This use includes without limitation a check cashing service, paycheck advance service, and any business primarily providing cash loans, installment loans or cash advances, but does not include a pawn shop.

An Auto Title Loan use is defined as “a business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself.”

The use is proposed to be located within an existing in-line retail building. Check cashing, payday loan, and auto title loan services would be offered to those who qualify. Currently the tenant spaces proposed for the use, totaling 2,292 square feet, are vacant. A similar Special Use Permit request for a Financial Institution, Specified use was requested for the same space in 2006, but the applicant withdrew the item over concerns about other similar businesses in the area. A pawn shop with an Auto Pawnbroker license and accessory Auto Pawn use remains on the adjacent parcel to the east. The applicant has asked for a waiver of the distance separation between the proposed uses and the existing Auto Pawn use, as it operates in a different manner than the proposed business.

The amount of required parking for the in-line strip center on the site was reduced through the approval of a Variance (VAR-5531). The provided number of spaces and the mix of uses in the center is in compliance with the conditions of approval of VAR-5531.

- Conditions

Per Title 19.04.010, the following are minimum Special Use Permit requirements for the Financial Institution, Specified and Auto Title Loan uses. They are identical, except Condition #7, which substitutes the name of the appropriate use. An asterisk indicates the requirement is not waivable:

- \*1. The use shall comply with all applicable requirements of LVMC Title 6.
- \*2. The building and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

3. No temporary signs (as described in LVMC 19.14.090) such as balloons inflated devices, searchlights, pennants, portable billboards, portable signs, steamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not:  
Cover more than twenty percent (20%) of the area of all exterior windows;  
Include flashing lights or neon light; or  
Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting area, customer queuing, and transaction space (such as “teller” windows or desks).
7. No specified financial institution (or auto title loan) use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution (or auto title loan) use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use, or auto pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to property lines of fee interest parcels and not leasehold parcels.

The proposed Financial Institution, Specified and Auto Title Loan uses will comply with all applicable licensing requirements, thereby satisfying Condition #1.

In regard to Condition #2, the two suites where the use is proposed to be located will have the same exterior architectural theme as the other tenant spaces in the building. That design was approved as part of the review for SDR-5393.

In regard to Conditions #3 and 4, a field check found that no signs or attention-getting devices are currently displayed in the subject tenant spaces; once licensed and occupied, appropriate permits will be necessary for both permanent and temporary signage.

The applicant has stated that hours of operation for the business will be from 8:00 a.m. to 11:00 p.m. in compliance with Condition #5.



In regard to Condition #6, the tenant spaces proposed for these uses will consist of 2,292 square feet, thereby meeting the minimum floor area requirement.

The proposed uses are on a parcel of land that abuts a parcel to the east with an Auto Pawn use. The subject property was platted as a separate lot from the parcel containing the Auto Pawn use. Therefore, there is no separation between similar uses as is required by Condition #7. The applicant has requested a waiver of the 1,000-foot distance separation requirement as part of this request for a Special Use Permit.

## FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Financial Institution, Specified and Auto Title Loan uses are deemed to be incompatible at this location, as a similar existing use (Auto Pawn) abuts this site to the east of the subject site. A concentration of similar uses in a particular area is discouraged, as they can have potentially negative effects on surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is physically suitable for the proposed uses; however, the Code requires distance separation from similar uses to keep the existing use from becoming too concentrated within a particular area. The amount of parking on the site will support the proposed uses and is in compliance with a previously approved variance.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the property is provided from Buffalo Drive, a Primary (100-foot) Arterial street, and Washington Avenue, an 80-foot Secondary Collector as designated on the Master Plan of Streets and Highways. The subject in-line retail center also has access to parcels to the east, although they are not part of the same development. These facilities are adequate to meet the requirements of the proposed Financial Institution, Specified and Auto Title Loan uses.

**4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this Special Use Permit would allow further saturation of the use within this area of the city and an increase in the potential for negative impacts to surrounding uses. If approved, compliance with provisions regarding licensing and regular inspection will ensure the protection of the public’s health and safety.

**5. The use meets all of the applicable conditions per Title 19.04.**

A requirement for the Financial Institution, Specified and Auto Title Loan uses is a minimum distance separation of 1,000 feet between the proposed use and any existing Financial Institution, Specified, Auto Title Loan or Auto Pawn use. The proposed uses do not meet this separation requirement. Staff does not support the waiver to allow another similar business within the 1,000-foot radius, as the concentration of these businesses can potentially have a negative impact on surrounding land uses. All other minimum requirements for the uses can be satisfied.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 3

**NOTICES MAILED** 404 by City Clerk

**APPROVALS** 0

**PROTESTS** 1